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Paper No. 6

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701 FIFTH AVENUE, SUITE 6300
SEATTLE, WA 98104-7092

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OFFICE OF PETITIONS

In re Application of
Giampiero Maggioni et al
Application No. 09/740,737
Filed: December 18, 2000
Attorney Docket No. 856063.677

:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the paper styled "Request For Corrected Filing Receipt" filed July 24, 2001, which is properly treated as a petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of December 18, 2000, rather than the presently accorded filing date of December 16, 2000.

Petitioners request the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 18, 2000, pursuant to the requirements of 37 CFR 1.10. While the copy of the Express Mail label No. EL615486642US bears a handwritten "date-in" of December 16, 2000, it also includes a "Columbia Center Station WA" receipt stamp dated December 18, 2000. It is noted that the same Express Mail label number appears on the original transmittal letter found in the present application. Petitioners are alleging that the date of mailing shown in the "date-in" is a USPS error and the correct date of mailing pursuant to 37 CFR 1.10 is December 18, 2000.

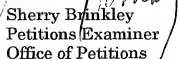
The Office considers that date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date-In" on the Express Mail label, MPEP 513. In view of the evidence presented, the Office concludes that the correct "date-in" is December 18, 2000.

The petition is granted. A copy of the corrected Filing Receipt is enclosed.

No petition fee is required and none has been charged.

The application is being returned to Technology Center AU 2834 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt